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House Bill No. 338
Introduced by J. Cohenour
Workers' Compensation Considerations

The employer/employee relationship establishes the obligation to provide workers' compensation coverage. An employee is an individual who is rendering services and receiving remuneration (wages) from an employer. The employer for whom the services are being rendered and paying the wage to the employee is required to provide workers' compensation coverage.

A volunteer is an individual who is rendering services for an employer without remuneration (wages). Coverage is not required for volunteers under the workers' compensation act of Montana.

However, the following volunteer workers are not exempt & coverage is required:

- Air search and rescue volunteers employed by the MT Department of Transportation (Section 67-2-105, MCA)
- Volunteer reserve or auxiliary officers providing service to a local law enforcement agency (Section 7-32-203, MCA) and
- Volunteer firefighters who provide service to a second class city.

It appears that some of the volunteers referenced in HB338 may be included in the types of volunteers for which coverage is required. (law enforcement, firefighters). In those cases, the coverage would be required to be provided by the law enforcement agency or the appropriate firefighting organization.

For the volunteers that do not fall into those specific groups, coverage would not be required. Should coverage be desired, the employer for whom the volunteer is rendering services could elect workers' compensation coverage. If coverage was elected, the wages reportable are assumed wages equal to the earnings of regular, paid employees doing the same or similar work.